

May 19, 1981

LB 411

SENATOR SIECK: Mr. President, members of the body, you recall when this was on Select File we had a couple of attorneys here that objected to the bill because it would load up the courts. What happened to us was that a group of attorneys got together to sort of rewrite the bill in hearing and one of them tried to pull a fast one on us. This happened to me and I didn't catch it, not being an attorney. So I'm asking that the bill be brought back and that we correct this language. The language that is to be corrected is that if a defendant will not be able to get an interlocutory appeal. This is where the courts would be loaded and it will allow the county attorney to have the right for an interlocutory appeal. So I move that we bring this back with this amendment.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I don't think a fast one was pulled on anybody, it was a situation where we were dealing with a technical bill related to technical aspects of the law and it might be a situation where Senator Sieck simply didn't understand. But, I think there is a difference between saying you don't understand something and saying that somebody pulled a fast one. Now these lawyers did get together and they produced the items on which they had agreed. I saw and received a copy of the letter sent to Senator Sieck by the County Attorneys Association and in that letter he mentioned that there were certain propositions that they had all agreed on and some others they left to, as he stated it, the whim of the legislative process. The amendment was adopted by the committee and added by the legislature as a part of the committee amendment. In order that you all understand what we are talking about an interlocutory appeal is something like at a midway point in a proceeding, somebody can appeal something they don't like. Well the county attorneys want to be able to appeal in this particular set of circumstances but they don't want the defendant to be able to appeal the same thing. It is related to suppression of evidence. So, if the suppression is granted the prosecutor would want to be able to appeal. If it is not granted, he does not want the defendant to be able to appeal. For some reason they feel that an appeal by the prosecutor will tie up the courts but an appeal on the other side by the defendant will tie up the courts too much. So, if the issue is too difficult for people to understand, and I'm not going to say that it is not, then perhaps what we ought to do is assign this matter for a study. I feel that I understand it. I know what I voted for. But, if the group